UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

E. CAMPBELL, et al.,

Plaintiffs,

-VS-

1:01-cv-527

INTERNATIONAL PAPER, et al.,

Defendants.

CLERK'S MEMORANDUM ON COSTS

This matter is before the Clerk on the Bill of Costs filed by Defendants Smart Papers and Sun Capital (doc. no. 141). A thorough review of the record indicates that no objection has been filed.

Therefore, the Bill of Costs filed by the Defendants Smart Papers and Sun Capital (doc. no. 141) is **GRANTED** in its entirety in the amount of **\$31,523.55**. The five day period for filing a Motion to Retax before the Court shall begin upon receipt of this memorandum.

Dated: November 22, 2005

James Bonini, Clerk

BY: s/Karen F. Jones
Karen F. Jones
Division Manager

(Rev 9/89) Bill of Costs **%**AO 133 UNITED STATES DISTRICT COURT 05 AUG -2 AM 9: 23 Southern District of E. Campbell, et al., **BILL OF COSTS** Case Number: C-1 - 01 - 527 International Paper, et al Judgment having been entered in the above entitled action on May 12,2004 against Plaintiffs the Clerk is requested to tax the following as costs: Fees of the Clerk Fees for service of summons and subpoena \$31,059.87 Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case 463.68 Fees and disbursements for printing Fees for exemplification and copies of papers necessarily obtained for use in the case Costs as shown on Mandate of Court of Appeals Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 Other costs (please itemize) _{\$}31,523.55 TOTAL SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories. DECLARATION I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to:

Randolph H. Freking, Freking & Betz, 215 East Ninth St., Cincinnati, Signature of Attorney: __ Ohio 45202 Stanley F. Lechner Name of Attorney: Date: 08/01/05 Defendants Smart Papers and Sun Capital #31,52 in and included in the judgment. Costs are taxed in the amount of

Case 1:01-cv-00527-SSB-TSH

Document 141-1

Filed 08/02/2005

Page 2 of 2

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	Each Witness
				and a major straight			
				ļ			
) 		
			: : :			i	
		1 1 1					
		ì				į.	
		!				:	
				<u> </u>			· · · · · · · · · · · · · · · · · · ·
					TOTAL		

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."